

**CWP No. 2855 OF 2018
and other connected cases**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

DECIDED ON: FEBRUARY 08, 2018

1) CWP No. 2855 OF 2018

PURAN CHAND

.....PETITIONER..

V.

HPGCL & ORS.

.....RESPONDENTS..

2) CWP No. 2856 OF 2018

SURESH KUMAR

.....PETITIONER..

V.

HPGCL & ORS.

.....RESPONDENTS..

3) CWP No. 2857 OF 2018

CHANDI RAM

.....PETITIONER..

V.

HPGCL & ORS.

.....RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. J.S. Manipur, Advocate
for the petitioner(s).

JASPAL SINGH, J (ORAL)

By virtue of this common judgment, this Court intends to dispose of
3 civil writ petitions, the details of which have been mentioned in cause title, as
the facts as well as law point involved in all these petitions are identical and
can be disposed of.

2. All these petitions have been preferred under Article 226 of the Constitution of India by the petitioner(s), seeking issuance of a writ in the nature of certiorari for quashing letter dated 23.01.2018 (Annexure P-12), which is contrary to the decision of this Court passed in CWP No. 2293 of 2018, decided on 02.02.2018 (Annexure P-17).

3. The contention of learned counsel for the petitioner(s) is that similarly situated employees namely Sudesh Kumar, Om Parkash, Gurmeet Singh etc. have already been granted the benefit by treating them as Turbine Operator from different dates vide different orders. Even the employee(s) junior to the petitioner(s) has/have already been granted the similar benefit by the respondents vide order dated 17.10.2017 (Annexure P-10) whereas similar benefit claimed by the petitioner(s) through separate legal notices dated 08.01.2018 (Annexure P-11) has been declined vide letter dated 23.01.2018 (Annexure P-12) by Resident Engineer i.e. an incompetent authority on behalf of respondents No. 1 to 3, simply on the ground that it suffers from delay and latches.

4. The petitioner(s) retired from their services on different dates on attaining the age of their superannuation and subsequent thereto, they approached the department and ultimately, served separate legal notices dated 08.01.2018 (Annexure P-11). Moreover, the Resident Engineer cannot be termed to have the jurisdiction of appointing or punishing authority. He is simply a Drawing and Disbursing Officer. The orders with regard to grant of similar benefits to the above referred employees namely Sudesh Kumar, Om Parkash etc. have been passed by the Chief Engineer-respondent No.2 since the

Resident Engineer is not a competent and authorized officer to take a decision with regard to the benefit claimed by the petitioner(s) from respondents through legal notices, the decision taken vide letter dated 23.01.2018 (Annexure P-12) is erroneous.

5. In the given circumstances, legal notices deserve to be reconsidered, that too, by the competent authority i.e. Chief Engineer, Haryana, Power Generation Corporation Ltd., DCRTTP, Yamunagar (Haryana)-respondent No.2.

6. Without expressing much, the instant petition is disposed of with the direction to respondent No.2-Chief Engineer, Haryana, Power Generation Corporation Ltd., DCRTTP, Yamunagar (Haryana) to look into the grievances unfolded by the petitioner(s) in legal notices dated 08.01.2018 (Annexure P-11) and take a conscious decision in accordance with rules, regulations and instructions issued by the department as well as the orders passed in the similarly situated employees, that too, by passing a speaking order, within a period of three months from the date of receipt of certified copy of this order. In case, the petitioner(s) feel(s) aggrieved qua any order passed by the concerned authority, he/they shall be at liberty to approach this Court.

**FEBRUARY 08, 2018
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**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned* *Yes

Whether reportable* *Yes/No